

Public Document Pack

Licensing Sub-Committee

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Wednesday, 27 November 2024 from 10.07 am - 10.52 am.

PRESENT: Councillors Derek Carnell (Chair), Carole Jackson and Tom Nundy.

OFFICERS PRESENT: Billy Attaway, Mohammad Bauluck and Helen Ward.

390 **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

391 **Notification of Chair and Outline of Procedure**

The Chair opened the meeting and asked those present to introduce themselves.

392 **Declarations of Interest**

No interests were declared.

393 **Exclusion of the Press and Public**

Resolved:

That under Section 100(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of the Schedule 12A of the Act:

- 1. Information relating to any individual.***
- 2. Information which is likely to reveal the identity of an individual.***

394 **Consideration of an application for a Hackney Carriage Drivers licence**

The Licensing Officer introduced the report which sought to consider whether the Respondent was a 'fit and proper person' for the purposes of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 to be granted a Dual Hackney Carriage/Private Hire driver's licence in line with Swale Borough Council's (SBC) Taxi Policy.

The Licensing Officer advised that upon receiving the DBS certificate there were relevant convictions which were not disclosed on the application form and which placed the application outside of the Council's Policy. The application was therefore referred to the Licensing Sub-Committee for consideration.

The Chair asked the Respondent to present their case.

The Respondent provided a supporting statement to their case.

Members of the Sub-Committee asked questions and then adjourned at 10:26 am to make their decision.

Members of the Sub-Committee and the Lawyer (Contentious) returned to the meeting at 10:53 am and the decision, attached as Appendix I to these minutes, was announced.

Resolved:

(1) That the Respondent's SBC Dual Hackney Carriage/Private Hire Drivers Licence application be granted.

Appendix I - Decision Notice

Chair

Copies of this document are available on the Council website <http://www.swale.gov.uk/dso/>. If you would like hard copies or alternative versions (i.e. large print, audio, different language) we will do our best to accommodate your request please contact Swale Borough Council at Swale House, East Street, Sittingbourne, Kent, ME10 3HT or telephone the Customer Service Centre 01795 417850.

All minutes are draft until agreed at the next meeting of the Committee/Panel



Swale Borough Council

Local Government (Miscellaneous Provisions) Act 1976

Town Police Clauses Act 1847

NOTICE OF DETERMINATION OF DUAL HACKNEY CARRIAGE / PRIVATE HIRE DRIVER'S LICENCE

Applicant [REDACTED]

Date of Determination: 27 November 2024

In accordance with the provisions of Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, take notice that Swale Borough Council has decided to GRANT your application for a dual hackney carriage / private hire drivers' licence subject to completion of any outstanding application requirements.

The Licensing Sub Committee were asked to consider whether [REDACTED] is a fit and proper person for the purposes of compliance with hackney carriage and private hire legislation, published Standards and Guidance and Swale Borough Council's Hackney Carriage and Private Hire Vehicle Licensing Policy.

The Licensing Sub Committee carefully considered the evidence included within the report and additional evidence provided at the hearing from the applicant. In particular, the Licensing Sub Committee considered the circumstances surrounding [REDACTED] convictions and the reasons for failure to initially declare some of these as part of his application.

The Licensing Sub Committee believed that [REDACTED] provided an honest and credible account of the incident that led to the convictions in 2016 and 2018. They accepted that he may be under some misunderstanding of the way that the 2018 incident had resulted in particular convictions. They noted that although there were multiple convictions in 2018, these were from an isolated incident.

The Licensing Sub Committee believed that his actions since that time showed genuine desire to change. They considered [REDACTED] current longstanding role with the ambulance service, in which [REDACTED] was also responsible for training others, as demonstrative of the trust that had been placed in [REDACTED].

The Licensing Sub Committee considered whether the incidents could indicate concerns regarding [REDACTED] temperament however given the relatively isolated nature of them and the genuine remorse shown, did not feel on balance, that they warranted refusal of the application.

The Licensing Sub Committee noted their policy regarding convictions involving violence and that this would normally warrant refusal until a period of 10 years had passed. They gave careful consideration as to whether it would be appropriate to depart from the Policy in the circumstances of the application. On balance, they felt that the evidence justified a departure from the Policy given the honest and credible account provided and the positive steps that had been taken by [REDACTED] in the intervening years.

Accordingly, the decision of the Licensing Sub Committee was to grant the application subject to completion of any outstanding application requirements.

The Licensing Sub Committee noted that [REDACTED] would need to complete the application process and were mindful to remind him to be fully cognisant of the Council's Policy, in particular his responsibility to keep the Council updated with all relevant information.

There is no right of appeal against this decision.

Signed:

Date of Notice:



Councillor Derek Carnell
Chairman of the Licensing Sub-Committee